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OFFICE OF PETITIONS

P-Two Industries Inc.
P.O. Box No. 6-57
Junghe, Taipei 235 TAIWAN

In re Application of	:	
CHIU, HSIEN-YU	:	
Application No. 10/825,284	:	DECISION ON PETITION
Filed: 04/16/2004	:	
Title: THUMBNAIL SIZE FLASH MEMORY	:	
CARD CONNECTOR	:	

This is a decision on the petition under 37 CFR 1.181, filed on July 13, 2005; to withdraw the holding of abandonment.

On December 16, 2004, the Office mailed a non-final Office action, which set a three-month shortened statutory period to reply. In the absence of a timely filed reply, the application was held abandoned on March 17, 2005. A Notice of Abandonment was mailed on July 13, 2005.

In the present petition, applicant requested that the Office withdraw the holding of abandonment due to non-receipt of the non-final Office action.

PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT

A review of the record indicates no irregularity in the mailing of the non-final Office action and in the absence of any irregularity in the mailing, there is a strong presumption that the Office action was properly mailed to the address of record. This presumption may be overcome by a showing that the Office action was not in fact received. The showing required to establish non-receipt of an Office communication must include a statement from the practitioner, stating that the practitioner did not receive the Office communication and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the non-received Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement. For example, if a three-month period for reply was set in the non-received Office communication, a copy of the docket report showing all

replies docketed for a date three months from the mail date of the non-received Office communication must be submitted as documentary proof of non-receipt of the Office communication. The showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the Office communication may have been lost after receipt rather than a conclusion that the Office communication was lost in the mail (*e.g.* if the practitioner has a history of not receiving Office communications).

After reviewing the documents submitted on petition, the Office concludes that the showing of record is sufficient to warrant withdrawal of the holding of abandonment. The practitioner submitted a copy of the docket records where the non-received Office action would have been entered had it been received and docketed. Additionally, the practitioner attested to the fact that a search of the records indicated that the Office action was not received.

As applicant made the required showing, the petition to withdraw the holding of abandonment is granted.

Technology Center Art Unit 2833 has been advised of this decision. The matter is being referred to the Technology Center's technical support staff for re-mailing of the non-final Office action. The three month shortened statutory time period for responding to the non-final Office action will be set to run from the re-mailing date of the non-final Office action.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3211.

A handwritten signature in black ink, appearing to read "C. T. Donnell". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions